

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 11
BIG LOTS, INC., <i>et al.</i> , ¹	Case No. 24-11967 (JKS)
Debtors.	(Jointly Administered)
Re: D.I. 511, 821 & 1385	

**LANDLORD'S SECOND SUPPLEMENTAL LIMITED
OBJECTION TO CURE NOTICE AND RESERVATION OF RIGHTS**

BVB-NC, LLC (the “Landlord”) hereby files its Second Supplemental Limited Objection to Cure Notice and Reservation of Rights (the “Supplemental Limited Objection”) with respect to the *Debtors’ Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and Cure Amount* [D.I. 511] (the “Cure Notice”) and supplements and amends the *Landlord’s Limited Objection to Cure Note and Reservation of Rights* [D.I. 821] and the *Landlord’s Supplemental Limited Objection to Cure Notice and Reservation of Rights* [D.I. 1385].

In support thereof, Landlord respectfully states as follows:

1. On November 3, 2024, Landlord filed its initial *Limited Objection to Cure and Reservation of Rights* [D.I. 821].

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores – PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores – CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081

2. On December 18, 2024, Landlord filed its *Supplemental Limited Objection to Cure Notice and Reservation of Rights* [D.I. 1385] (the “Limited Objection”)².

3. In its Limited Objection, the Landlord listed the Cure Amount as \$29,327.41.

4. The Landlord now supplements its Objections to change the Cure Amounts as of December 31, 2024 to \$51,407.72 (the “Revised Cure Amount”). The basis for the Revised Cure Amount is set forth in the supporting Supplemental Affidavit attached hereto as **Exhibit A**.

5. The Landlord further objects to the proposed cure amount because it does not include attorneys’ fees, which the Landlord is entitled to under the Lease. See Lease at p. 40, ¶ 25. Therefore, attorneys’ fees must be included as part of the Landlord’s cure amount as pecuniary losses suffered as a result of the Debtors’ defaults, under Section 365(b)(1)(B). See *In re Crown Books Corp.*, 269 B.R. 12, 18 (Bankr. D. Del. 2001). Attorneys’ fees have been accruing and will continue to increase through any assumption and assignment of the Lease. These amounts must be paid as part of any cure.

6. The remaining Objections are incorporated/not modified and Landlord reserves all rights.

7. Additional amounts continue to accrue, and Landlord reserves the right to supplement this objection.

Dated: February 18, 2025
Wilmington, Delaware

ESBROOK P.C.

/s/ *Scott J. Leonhardt*
Scott J. Leonhardt (DE 4885)
1000 N. West Street
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² Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Limited Objection.

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BIG LOTS, INC., <i>et al.</i> ,	Case No. 24-11967 (JKS)
Debtors.	(Jointly Administered)

CERTIFICATE OF SERVICE

I, hereby certify that on 18th day of February, 2025, I caused a copy of *Landlord's Second Supplemental Limited Objection to Cure Notice and Reservation of Rights* to be served on all parties that are registered to receive notice via the Court's CM/ECF notification system, and on counsel listed below by email.

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